

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

IN RE: )  
Aaron Wayne Easton and ) Case No. 19-13096 SAH  
Chanell Renee Easton, ) Chapter 7  
Debtors. )

**MOTION FOR RELIEF FROM AUTOMATIC STAY UNDER 11 U.S.C. § 362,**  
**FOR WAIVER OF 14 DAY STAY UNDER FED. R. BANKR. P. 4001(A)(3),**  
**OR IN THE ALTERNATIVE FOR ADEQUATE PROTECTION**  
**AND REQUEST TO ABANDON PROPERTY FROM THE BANKRUPTCY ESTATE,**  
**AND NOTICE OF MOTION AND OPPORTUNITY FOR HEARING,**  
**COMBINED WITH BRIEF IN SUPPORT**

COMES NOW, Ford Motor Credit Company, LLC (hereinafter referred to as FMCC) by and through its leasing company, Cab West, LLC, and hereby asks this court to grant it relief from the automatic stay and abandonment of certain bankruptcy estate property, and waive the fourteen (14) day period-all pursuant to 11 U.S.C. §362(d) and §554(b), and Fed. R. Bankr. P. 4001(a)(3). In support thereof FMCC respectfully represents and shows to the Court as follows:

1. That FMCC is the owner of the following described vehicle as shown by copy of the Oklahoma Lien Entry that has been filed with the appropriate state agency which is attached hereto regarding the following vehicle:

2016 Ford Fusion VIN #3FA6P0H7XGR397353.

2. FMCC would state that as of the date of filing this case, the Debtor has failed make the final two payments on lease and the lease has passed its termination date of September 2, 2019, and that the Debtor is in default by reason of failure of said Debtor to pay the said monthly lease payments. FMCC's property is continuing to depreciate without any compensation to FMCC and for

that reason, there is sufficient cause to modify the automatic stay under 11 U.S.C. §362(d)(1).

3. FURTHER FMCC would state that said vehicle is a burdensome asset of the estate and should be abandoned. That it would be appropriate for the Court to enter an Order Lifting the Automatic Stay provided by 11 U.S.C., Section 362(d) and further that the property be abandoned pursuant to 11 U.S.C., Section 554.

4. Under Fed. R. Bankr. P. 4001(a)(3), an order granting stay relief on this Motion would be stayed "until the expiration of 14 days after the entry of the order, unless the court orders otherwise." Good cause exists to "order otherwise" as the Debtors have indicated in their *Statement of Intention* to surrender said vehicle, further said vehicle is continuing to depreciate without compensation to FMCC. Further FMCC is the owner of said property therefore said vehicle should be abandoned from the bankruptcy estate. **Petitioner is asking the Court to waive the statutory period pursuant to FRBP 4001(a)(3).**

5. Petitioner further alleges that said vehicle above mentioned is currently not being used or will not be needed for the purpose of carrying on the business of the Debtor or to effectuate a Plan which may be purposed in this proceeding.

6. That FMCC has been stayed from enforcing its rights under said lease agreement since the filing of this case on July 29, 2019. That FMCC's property is continuing to depreciate without compensation to FMCC and by reason thereof, FMCC is entitled to adequate protection which can only be provided by an Order Lifting the Automatic Stay imposed upon FMCC and thereby permitting it to obtain possession of its property.

NOTICE OF OPPORTUNITY FOR HEARING

7. Your rights may be affected. You should read this document and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, Oklahoma 73102, no later than 14 days from the date of filing of this request for relief. You should also serve a file-stamped copy of your response or response or objection to the undersigned movant/movant's attorney and the Chapter 7 Trustee [and any others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice. The 14 day period includes the three (3) days allowed for mailing provided for in Fed. R. Bankr. P. 9006(f).

WHEREFORE, Petitioner, FMCC prays the Court enter an Order lifting the Automatic Stay imposed by the filing of this proceeding to permit Petitioner to obtain possession of its property and foreclose its lease agreement as provided by law, and that FMCC may have such other and further relief to which it may be entitled, and such order being made immediately effective pursuant to Fed. R. Bankr. P. 4001(a)(3).

s/Roger D. Everett

Roger D. Everett OBA #2788  
Everett, P.C.  
508 W. Vandament, Suite 300  
Yukon, Oklahoma 73099  
(405) 350-0990 FAX (405) 354-2834  
E-mail: rdelaw@juno.com  
Attorney for Ford Motor Credit Co.

CERTIFICATE OF SERVICE

I, Roger D. Everett certify that on the 17th day of September, 2019, a true and correct copy of the above and foregoing Motion was electronically filed with the Bankruptcy Court of the Western District of Oklahoma and as such the Bankruptcy Court Clerk caused the same to be electronically sent to all parties requesting notice via the Court's CM/ECF electronic noticing system including but not limited to the following parties:

B. David Sisson on behalf of Debtor Aaron Wayne Easton  
sisson@sissonlawoffice.com

B. David Sisson on behalf of Joint Debtor Chanell Renee Easton  
sisson@sissonlawoffice.com

Matthew Clay Goodin on behalf of Debtor Aaron Wayne Easton  
mgoodin@goodinlawfirm.org

Matthew Clay Goodin on behalf of Joint Debtor Chanell Renee Easton  
mgoodin@goodinlawfirm.org

Lyle R. Nelson  
lyle@lylenelsonlaw.com, ok04@ecfcbis.com

U.S. Trustee  
Ustpreion20.oc.ecf@usdoj.gov

and via U.S. Mail, postage prepaid to the following interested parties listed below and appearing on the attached matrix, less any parties receiving notice via the Court's CM/ECF electronic noticing system:

Aaron Wayne Easton  
1712 SE 17<sup>th</sup> Street  
Oklahoma City, OK 73160

Chanell Renee Easton  
1712 SE 17<sup>th</sup> Street  
Oklahoma City, OK 73160

s/Roger D. Everett  
Roger D. Everett